



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE May 20, 2016	CONTACT/PHONE Holly Phipps / 781-1162 / hhipps@co.slo.ca.us	APPLICANT Steve Drake	FILE NO. DRC2014-00118
EFFECTIVE DATE June 4, 2016			
SUBJECT: A request by STEVE DRAKE for a Minor Use Permit (DRC2014-00118) to allow the partial conversion of an existing 12,680 sf agricultural barn into a commercial winery to include a 460 sf barrel/case good storage room and a 440 sf tasting room. No Special Events are proposed and no Industry-wide Events are proposed. The applicant requests a setback modification for the tasting room of the minimum 200 foot setback to the property line requirement to allow setbacks of 145 feet for the side (east). The project will result in minimal site disturbance on the 52 acre site. The proposed project is located in the Agricultural land use category and is located on the north side of Buckley Road (at 470 Buckley Road) approximately 0.25 miles east of the city of San Luis Obispo, in the San Luis Obispo Sub Area of the San Luis Obispo Planning Area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2014-00118 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION: A Class 3 Categorical Exemption (ED15-250) was issued on April 8, 2016.			
LAND USE CATEGORY Agriculture	COMBINING DESIGNATION Airport Review, Flood Hazard	ASSESSOR PARCEL NUMBER 076-371-004	SUPERVISOR DISTRICT(S) 3
PLANNING AREA STANDARDS: <i>Does the project meet applicable Planning Area Standards: Yes</i>			
LAND USE ORDINANCE STANDARDS: Section 22.30.070 Agricultural Processing Uses, Section 22.62.050 Minor Use Permit Approval, Section 22.18 Parking, Section 22.10.180 Water quality <i>Does the project conform to the Land Use Ordinance standards? Yes - see discussion</i>			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 th day following the administrative hearing, or on June 4, 2016 if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

EXISTING USES: Single family residence, agricultural structures	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture; agricultural uses <i>East:</i> Agriculture; agricultural uses <i>South:</i> Agriculture; agricultural uses <i>West:</i> Agriculture; agricultural uses	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Agricultural Commissioner, CAL FIRE, RWQCB, Building Division, and City of San Luis Obispo	
TOPOGRAPHY: Gently Sloping	VEGETATION: Scattered Oak Trees and non-native grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CAL FIRE	ACCEPTANCE DATE: February 2, 2016

PROJECT DESCRIPTION:

The project would allow the partial conversion of a 12,680 sf agricultural barn into a winery to include:

- 460 sf barrel and case good storage area;
- 440 sf tasting room;
- Off-site processing;
- Maximum annual production is limited to 1,000 cases annually.

The applicant requests a setback modification for the tasting room (Section 22.30.070.D.2.d.1) of the minimum 200 foot setback to the property line requirement to allow setbacks of 145 feet for the side (east). The applicant is not requesting to participate in Special Events or Industry-wide Events but they are allowed per the ordinance.

The proposed project is a production winery operation that will produce up to 1,000 cases per year. The operation is proposed to include on-site barrel aging, blending, bottling, and case good storage. At this time, the proposed winery will process grapes solely from off-site.

LAND USE ORDINANCE STANDARDS:

Ordinance Compliance:

The project is subject to Land Use Ordinance section 22.30.070.D.(2), wineries. Section 22.30.070 sets forth standards for winery development including but not limited to access, setbacks, parking, design, screening, height, lighting and tasting rooms.

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Minimum Site Area (Section 22.30.070)	20 acres for wineries with special events	No special events proposed. The subject property is approximately 52 acres	Yes
Access location (Section 22.30.070)	Wineries with tasting room, retail sales, special events located on or within 1 mile of arterial or collector	Winery is located on Buckley Road, a collector road.	Yes

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Setbacks from property lines: (Section 22.30.070)	100 feet required for wine processing buildings 200 feet for Tasting Room	145 feet to east side 145 feet east side	Yes Yes, modification requested
Setbacks from residences outside of the ownership of the applicant (Section 22.30.070)	200 feet for wine processing buildings 400 feet for tasting room	> 200 feet >400 feet	Yes
Height (Section 22.30.070)	35 feet	25 feet	Yes
Screening (Section 22.30.070)	If visible from the public road wineries shall be screened.	Project is screened by existing vegetation on-site and buildings on-site	Yes
Lighting (Section 22.30.070)	Lighting fixtures are required to be shielded	Project conditioned to meet this requirement	Yes
Solid waste disposal (Section 22.30.070)	Pomace may be used as fertilizer or soil amendment	Processing will occur off-site.	Yes
Design Exterior (Section 22.30.070)	Wineries shall have an exterior design styles that is agricultural or residential in nature.	The proposed existing barn has an agricultural design style.	Yes
Signs (Section 22.60.060)	Maximum of 100 sq ft of signage; one free standing or monument	Applicant is not proposing to any signs.	Yes
Parking (Section 22.18)	1 per 2,000 sf of active use 1 per 5,000 sf of passive use 1 per 200 sf of tasting room • Total Spaces Required: 1.49 (2) plus 1 ADA	$0 / 2,000 = 0$ $460 / 5,000 = 0.92$ $440 / 200 = 2.2$ Ample space exists on-site	Yes
Tasting room (Section 22.30.070)	One tasting room allowed for each winery	Project includes partial conversion an existing barn into a 440 sf tasting room and winery	Yes
Design and Operation Standards / Access (Section 22.30.610.D.1-4 and E)	Temporary Events shall be provided 2 access points;	No special events proposed	N/A

<u>Standard</u>	<u>Required</u>	<u>Proposed</u>	<u>In Compliance</u>
Design and Operation Standards / Special Event Parking (Section 22.30.610.D.1-4 and E)	400 sf per vehicle; Located on open areas with slopes of 10 % or less, free of combustible material;	No special events proposed	N/A
Liquid waste disposal (Section 22.30.070)	<ul style="list-style-type: none"> Winery wastewater - standards set through RWQCB Domestic wastewater - leach lines shall be located at least 100 feet from any private well 	No liquid waste will need to be disposed of on-site. Applicant will have grapes processed off-site	Yes
Limitation on Use / Noise (Section 22.30.070)	<ul style="list-style-type: none"> Special events limited to 40 days per year; Outdoor amplified music shall not occur before 10 a.m. and after 5 p.m.; Standard may be waived where finding can be made that the noise will not exceed 65dB at property lines 	<ul style="list-style-type: none"> No special events proposed; No amplified music requested Applicant not requesting standard to be waived 	N/A

ORDINANCE MODIFICATIONS:

Setbacks.

Per Section 22.30.070, setbacks may be modified through a Minor Use Permit. Approval may be granted only after the Review Authority first determines that the request satisfies any of the following findings:

- (1) there is no feasible way to meet the required setbacks without creating environmental impacts or impacting prime agricultural land (SCS Class I, II and III);
- (2) the property fronts an arterial or collector street;
- (3) the setbacks are not practical or feasible due to existing topographic conditions or existing on-site vegetation or
- (4) is a legally constructed existing structure that was built prior to 1980 and it can be clearly demonstrated that the structure was intended for a legitimate agricultural or residential use.

The Land Use Ordinance states that all winery structures shall be setback 100 feet from each property line and where a winery has public tours and tasting, the setback shall be increased to 200 feet. The applicant requests a setback modification for the 200 foot tasting room setback to allow a setback of 145 feet to the front (north).

The proposed project meets number (2); the proposed project site fronts Buckley Road, a collector road and is proposing to convert a portion of an existing barn into the winery.

PLANNING AREA STANDARDS:

Applications for discretionary land use permits shall be referred to the City of San Luis Obispo for review and comment. The project was referred to the City of San Luis Obispo on March 31, 2015. City of San Luis Obispo suggested conditions as part of the project that included:

- Roadway improvements to include curb, gutter and sidewalk;
- Fees required prior to building permit application or prior to map recordation;
- Offer of dedication for remaining ROW needed to complete cross section of Buckley Road.

Staff Comments: The proposed project is located within the County and Publics Works reviewed the proposed project. Public Works has conditioned the project included the following but not limited to:

- Offer for dedication to the public an easement for future road improvement 41-foot wide right-of-way from the recorded frontage of Buckley Road;
- To mitigate offsite traffic impact fees shall be required for City of San Luis Obispo transportation Impact fees for various programs.
- Public Work is not requiring the applicant to install curb, gutter and sidewalks.

AIRPORT REVIEW AREA:

The project was located within the Airport Review area. The project was not referred to Airport Land Use Commission because:

- The proposed project the partial conversion of an existing 12,680 sf agricultural barn into a commercial winery to include a 460 sf barrel/case good storage room, a 440 sf tasting room, no Special Events are proposed, and no Industry-wide Events on a site of 52 acre in the Agriculture Land Use Category is consistent with the Airport Land Use Plan (ALUP) because the property meets the requirements of the ALUP regarding land uses within Aviation Safety Area 1-a. As required by section 4.5.3 Policy A-1 and section 4.4.6 Policy S-2 of the San Luis Obispo County Regional Airport Land Use Plan's section pertaining to Airspace Protection, the proposed project will not present interference with the takeoff, landing or maneuvering of aircraft at the Airport including: glare in the eyes of pilots using the Airport because the applicant is using an existing building that was issued a building permit and because the applicant is not requesting to alter the buildings' exterior.
- The proposed project will not exceed the maximum building coverage nor increase densities greater than what is allowed per Table 7 of the ALUP, because the square footage of the space and use proposed do not surpass the requirements set by the ALUP as shown in the table below.

<u>Standard</u> Table 7: Safety Area 1a	<u>Allowed</u>	<u>Proposed</u>
Max. Building Coverage	5% of 11.9 acres = 2,265,120 sf bldg. coverage.	900 sf space in an existing 12,680 sf building –no new square footage proposed
Max. Density of Use (Non-Residential) persons per acre	30 persons	Approx. 10 person occupancy

<u>Standard</u> Table 8: Type of Use	<u>Density Allowed</u>	<u>Proposed</u>
Agricultural Processing	1 person / 200 sf 1 person / 1,000 sf of outdoor processing	460 sf. = 2 people No outdoor processing proposed
Food and Beverage Services	1 person per 60 sf	440 sf Tasting room = 7.3 people

COMMUNITY ADVISORY GROUP COMMENTS:

Project is not located within an advisory group boundary.

AGENCY REVIEW:

Public Works - No concerns, stock conditions apply;

Ag Commissioner - No impacts to agriculture;

CAL FIRE - See attached Fire Safety Plan dated April 22, 2015 installation of fire sprinklers required;

Building Division – Stock conditions apply;

Regional Water Quality Control Board - No comments received;

Cal Trans – No Comments submitted.

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Holly Phipps and reviewed by Karen Nall.